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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,800	03/15/2001	Mark Hamilton Jones	5450 PA02	6814
7590	07/24/2007	Thomas J. Tighe, Esq. 6265 Greenwich Drive, Suite 103 San Diego, CA 92122	EXAMINER MENDIRATTA, VISHU K	
			ART UNIT 3711	PAPER NUMBER
			MAIL DATE 07/24/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/810,800	JONES, MARK HAMILTON	
	<b>Examiner</b>	<b>Art Unit</b>	
	Vishu K. Mendiratta	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 May 2007.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 29-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 29-41 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____.                         |

## **DETAILED ACTION**

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 29-41 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 29-33,35-39,41: As best understood applicant's invention is selecting one of 38 numbered balls numbering 1-38. The claimed methods do not recite balls 37 and or 38. In that the claim is indefinite and does not distinctly claim the subject matter of applicant's invention.

It is also unclear/indefinite in the event any one of the two balls with no marking information gets selected.

Claims 33,40: The claimed method has no use for balls 37 and 38.

### ***Claim Rejections - 35 USC § 103***

3. Claims 29-41 rejected under 35 U.S.C. 103(a) as being unpatentable over Boylan.

Claim 29,30,33,35,36,37,41: Boylan teaches a tabletop (90) with a layout for placing bets according to the roulette, a transparent air blown (Fig.13) selection device for selecting balls (204), placing wagers on a tabletop according to the numbers 1-36. Boylan also teaches at least one defined set of balls from at least 50 balls. Boylan clearly teaches numbering betting areas 1,2,3 and in series of n+3 (Fig.5)

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Boylan in essence teaches various game embodiments including roulette (Fig.5) and various selection devices including ball selection device (204) that are well known in the gaming art.

Boylan teaches all limitations except that it does not expressly indicate selection from balls numbered 1-36.

Boylan however discloses various possibilities of modifications and combinations of these known methodologies for creating further new games/applications (16:21-29,18:31-19:32). Boylan also teaches possibilities of using lottery type selection process to play other games such as roulette type games (16:21-29, Fig.5)

In order to make the game appeal to players who like ball selection chance device, it would have been obvious to provide a ball selection device with balls numbered 1-36.

Claims 34,40: The only difference between applicant's claims and Boylan is using balls with numbers 37 and 38 in lieu of balls 0 and 00.

The only differences between claimed structure and cited structure reside in meaning and information conveyed by the printed matter not considered patentable differences  
Ex. Parte Breslow 192 USPQ 431.

One of ordinary skill in art at the time the invention was made would have suggested any attractive indicia to attract potential players.

Claims 31,32, 38,39: Examiner takes the position that all casinos have cameras to monitor all games all the time. The video cameras constantly take videos of casino tables and watch on screens in backrooms. In order to make the game playing without players or croupiers making mistakes or cheating, it would have been obvious to provide

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cameras and screen to effectively monitor the tables. One of ordinary skill in art at the time the invention was made would have suggested modifying claimed table to include camera and displays for monitoring game table.

4. Claims 31,32,38,39 rejected under 35 U.S.C. 103(a) as being unpatentable over Boylan in view of Santora (4357015).

Boylan teach all limitations except that they do not teach providing structure with a camera for viewing the simulating ball on display screens.

Santora teaches a camera (44) mounted above the roulette wheel (12), display screen (12) displaying the selected number.

In playing a game where the game result depends on the outcome of a random device, all players are always anxious to see the resulting random number. At times when there are a large number of players participating in the game, it becomes difficult for all players to see the spinning balls or wheel.

Santora places a camera on the spinning wheel and displaying a selected number on a monitor (28). This makes it easy on all players to see the resulting random number easily and quickly.

In order to make the game easy on players for seeing the selected number easily and quickly, it would have been obvious to place a camera structure for displaying the selected number in full view of the players.

One of ordinary skill in art at the time the invention was made would have suggested placing a camera structure on the system.

***Response to Arguments***

5. Applicant's arguments with respect to claims 29-41 have been considered but are moot in view of the new ground(s) of rejection.
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

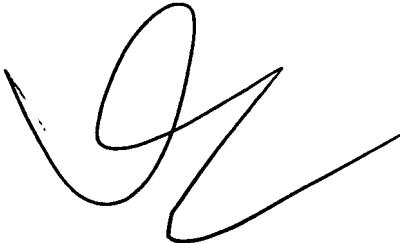
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K. Mendiratta whose telephone number is (571) 272-4426. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Vishu K Mendiratta  
Primary Examiner  
Art Unit 3711

VKM  
July 17, 2007